



INDEPENDENT MARITIME CONSULTING LLC

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June 15, 2022

Our Reference: 19713.21.99

Via Email

Welder Leshin
800 North Shoreline Blvd., Ste. 300 North
Corpus Christi, Texas 78401

Attn: Dabney Pettus, Esq.

RE: C.A. No. 2:21-cv-00039 Moda Ingleside Oil Terminal, LLC vs. RIVERSIDE, its engines, tackle, etc. in rem and Glory Riverside Navigation, Ltd., in personam

Dear Ms. Pettus:

I provide this supplemental report to my first expert report dated May 14, 2022.

The opinions stated herein are in addition to those already made and expressed in my first expert report and are stated to a reasonable degree of professional certainty.

I reserve the right to modify or supplement the opinions stated in my report should further documents and/or information become available to me. I am available for deposition and/or trial attendance in this matter whereupon I may further elucidate such opinions.

Sincerely yours,

Prentice Strong III

Enclosures:

Expert rebuttal report

List of documents reviewed

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Moda Ingleside Oil Terminal, LLC vs. RIVERSIDE, its engines, tackle,
etc. in rem and Glory Riverside Navigation, Ltd., in personam

Client Ref. N/A

Case No. C.A. No. 2:21-cv-00039

IMC Ref. 19713.21.99

Report: 002

1. COMMENTS ON CAPTAIN RIVERA'S REPORT

- 1.1. I have reviewed the expert report submitted on behalf of MODA Midstream Ingleside Energy Center and have the following key comments on Captain Rivera's report.
- 1.2. I agree with Captain Rivera that the Master of NORDIC AQUARIUS should have stayed alongside the berth, or inside the basin, and allow RIVERSIDE to pass. "He should not have allowed his vessel to cut out in front of the RIVERSIDE and create a close quarters situation." (Rivera 3)
- 1.3. This also aligns with Pilot Webb's (non conning pilot aboard NORDIC AQUARIUS) comments to Pilot Fontenot (conning pilot aboard NORDIC AQUARIUS) about the risk associated with pulling out in front of another vessel.
- 1.4. I also agree with Captain Rivera that; "The NORDIC AQUARIUS departing the berth and cutting out in front of the RIVERSIDE caused the Pilots to have to stop the engine and drift to avoid a collision between the vessels. Had the NORDIC AQUARIUS simply stayed within the MEIC basin, it is highly unlikely that the RIVERSIDE would not have had to stop its engines, resulting in the subsequent allision with the MEIC pier." (Rivera conclusion bullet point 4)
- 1.5. Captain Rivera became an Aransas-Corpus Christi Pilot in 2005 and served for 13 years, including 2 as presiding officer. Captain Rivera had more experience on the waterway at the time of this incident than any of the four pilots aboard RIVERSIDE or NORDIC AQUARIUS.

2. TRANSIT SPEEDS WHILE PASSING MODA FACILITY

- 2.1. Having reviewed the AIS data compiled by Captain Steve Cunningham (attached to this report) there are a range of speeds that vessels of similar size and displacement to RIVERSIDE have passed the MODA facility when vessels have been berthed at the facility.
- 2.2. Based on the nature of the waterway (confined channel) and the minimal Under Keel Clearance RIVERSIDE had in her loaded condition, it is unlikely that would have achieved the 7.9 kt speed that is listed for Dead Slow Ahead on the Pilot Card. During the Master Pilot exchange when the Dead Slow speed is discussed the pilot states "that with this kind of load I doubt we will see that".
- 2.3. It is likely that RIVERSIDE could have passed MODA on a Dead Slow Ahead bell and been within the speed range of other passing vessels (6.41 kts to 6.83 kts) and would not need to stop the main engine.

3. CONCLUSION

The Master of NORDIC AQUARIUS should not have allowed his vessel to pull out in front of RIVERSIDE given the decreasing range of RIVERSIDE and that his vessel would have to back into the channel and then quickly increase speed to stay a safe distance ahead of RIVERSIDE. The prudent course of action would have been for the Master to override the pilot and keep his vessel in the basin until RIVERSIDE



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had passed the MODA terminal. The decision by NORDIC AQUARIUS to pull out in front of RIVERSIDE likely contributed to the decision aboard RIVERSIDE to order stop engine as opposed to a gradual reduction of speed on dead slow ahead before reaching the MODA terminal.

4. DECLARATIONS

- 4.1. This report is based on the undersigned's review of the materials provided and information available to date and is prepared in good faith and without prejudice to any or all parties concerned. The content of this report is true to the best of my knowledge and belief.
- 4.2. The opinions stated herein are based on my experience, education and knowledge, to the matters in question, and I express them to a reasonable degree of professional certainty. Opinions are based on the specific circumstances of the case and cannot be applied to any other situation, no matter how similar.
- 4.3. I reserve the right to modify or supplement my opinions should further information become available to me.

Respectfully submitted,

INDEPENDENT MARITIME CONSULTING, LLC

Prentice Strong III

June 15, 2022

I have attached the data as two separate excel spreadsheets (each with two tabs of filtered and raw data) and summarize it as follows:

<https://app.box.com/s/jykmobh07kqdsvog0oylz77h96qtwp3>

1. PortVision Data—01 Oct. 2020 to 30 Sep. 2021

- a. I created a list of moored vessels by querying a search of all arrivals and departures to the PortVision Zone of “Enbridge Ingleside Energy Center” (renamed from MODA). I then sorted, filtered and analyzed the data.
- b. The attached excel spreadsheet lists on the first tab (filtered) all tankers recorded as arriving and departing from MODA. The second tab is unfiltered and lists all vessels, including tugs, cargo, and others (I do not consider these relevant but have left the tab for full transparency.)
- c. The data recorded 335 tankers berthing at the MODA Terminal between 01 Oct. 2020 to 30 Sep. 2021.
 - i. 31 in October 2020.
 - ii. 40 in November 2020.
 - iii. 34 in December 2020.
 - iv. 32 in January 2021.
 - v. 27 in February 2021.
 - vi. 21 in March 2021.
 - vii. 34 in April 2021.
 - viii. 17 in May 2021.
 - ix. 29 in June 2021.
 - x. 18 in July 2021.
 - xi. 29 in August 2021.
 - xii. 23 in September 2021.
- d. The average duration alongside is 36.8 hours.
- e. The average arrival draft is 9.49 meters, and the average departure draft is 12.54 meters.

1. Made Smart Group (IHS Live) Data—01 Oct. 2020 to 30 Sep. 2021

- a. I created a list of vessels passing the MODA Terminal by conducting a box search in a one-mile section of the channel adjacent to the MODA Terminal. I then sorted, filtered

and analyzed the data, manually adding tags when MODA terminal had vessels berthed and manually removing ships arriving or departing from MODA (which otherwise skews the average speed).

- b. The data bundle consists of 816 unique vessels (tankers only) and tracks over 183,000 data points.
- c. The attached excel spreadsheet lists on the first tab (filtered) all passing Tankers of greater than 213-meter length and 11.5 draft (consistent with CC Pilot's later requirements for escort tugs), and only when there was another Tanker moored at MODA. The second tab is unfiltered and lists all recorded passing vessels and data points.
- d. The data shows the following averages for speed, size and displacement with and without a tanker moored at MODA:

ALL DATES – 01 Oct. 2020 to 30 Sep. 2021

	<i>Average speed</i>	<i>Average vessel length</i>	<i>Average vessel draft</i>	<i>Approx. Number of passing vessels</i>
<i>All passings</i>	6.78 knots	254.9 meters	12.80 meters	675
<i>Passing with no tankers berthed at MODA</i>	7.43 knots	254.5 meters	12.87 meters	127
<i>Passing with a tanker berthed at MODA</i>	6.64 knots	255.0 meters	12.80 meters	548

Compared to the above table, the RIVERSIDE has a stated Pilot Card speed at Dead Slow Ahead of 7.9 knots. She has a length of 250 meters and a reported draft of 13.11 meters. However, in a narrow channel with minimal under keel clearance, I would expect the actual speed at Dead Slow Ahead to be a few knots less than 7.9 knots. I estimate 6 to 7 knots maximum.

I have also looked at how the speed has changed over time and further broken the average speeds down as follows:

01 Oct. 2020 to 01 Jan. 2021

	<i>Average speed</i>	<i>Average vessel length</i>	<i>Average vessel draft</i>	<i>Approx. Number of passing vessels</i>
<i>All passings</i>	7.25 knots	251.7 meters	12.66 meters	143
<i>Passing with no tankers berthed at MODA</i>	7.83 knots	247.8 meters	12.89 meters	19
<i>Passing with a tanker berthed at MODA</i>	7.17 knots	252.3 meters	12.63 meters	124

02 Jan. 2021 to 15 Mar. 2021

	<i>Average speed</i>	<i>Average vessel length</i>	<i>Average vessel draft</i>	<i>Approx. Number of passing vessels</i>
<i>All passings</i>	6.92 knots	253.8 meters	12.69 meters	124
<i>Passing with no tankers berthed at MODA</i>	8.18 knots	246.4 meters	13.26 meters	9
<i>Passing with a tanker berthed at MODA</i>	6.83 knots	254.3 meters	12.65 meters	115

16 Mar. 2021 to 16 June. 2021

	<i>Average speed</i>	<i>Average vessel length</i>	<i>Average vessel draft</i>	<i>Approx. Number of passing vessels</i>
<i>All passings</i>	6.52 knots	257.0 meters	12.81 meters	175
<i>Passing with no tankers berthed at MODA</i>	7.10 knots	256.0 meters	12.83 meters	34
<i>Passing with a tanker berthed at MODA</i>	6.41 knots	257.2 meters	12.80 meters	141

17 June. 2021 to 30 Sep. 2021

	<i>Average speed</i>	<i>Average vessel length</i>	<i>Average vessel draft</i>	<i>Approx. Number of passing vessels</i>
<i>All passings</i>	6.73 knots	255.0 meters	12.92 meters	233
<i>Passing with no tankers berthed at MODA</i>	7.44 knots	255.8 meters	12.86 meters	65
<i>Passing with a tanker berthed at MODA</i>	6.48 knots	254.7 meters	12.95 meters	168

List of documents reviewed

- Production from Welder Leshin
- AIS data from Made Smart Group and Port Vision provided by Steve Cunningham

Rule 26 of the Federal Rules of Civil Procedure 26(a)(2)(B) Disclosures**LIST OF ALL OTHER CASES IN WHICH, DURING THE PREVIOUS 4 YEARS, THE WITNESS
TESTIFIED AS AN EXPERT AT TRIAL OR BY DEPOSITION**

DATE	CASE	CLIENT	DESCRIPTION
2019	C.A. 1:17-cv-00203 C/W 1:17-cv-00247 C/W 1:18-cv-00035 Paragon Asset Management Company vs Gulf Copper & Manufacturing Corporation and Signet Maritime Corporation.	Royston Rayzor, Houston	Deposition and Trial testimony
2018	C.A. 2:16-cv 902 SCF Waxler Marine LLC d/b/a SCF Liquids vs MV Aris T.	Liskow & Lewis, New Orleans	Deposition and Trial testimony
2016	C.A. 4:15-cv-00714 Chembulk Houston PTE, LTD and Chembulk Management, LLC vs MV Monte Alegre.	Richard Gorman Law, Houston	Deposition and Trial testimony
2015	C.A. 14-1321 C/W 14-134 Kirby Inland Marine vs Sea Galaxy Marine.	Chaffe McCall, New Orleans	Trial testimony
2011	C.A. 08-4007 – Stephen Marshall Gabarick and Bernard Attridge on behalf of themselves and all others similarly situated vs Laurin Maritime (America) Inc; Whitefin Shipping Co. LTD; D.R.D. Towing Company, LLC; American Commercial Lines Inc; and the New Orleans Baton Rouge Steamship Pilots Association.	Phelps Dunbar, New Orleans	Trial testimony

**THE WITNESS'S QUALIFICATIONS, INCLUDING A LIST OF ALL PUBLICATIONS AUTHORED IN THE PREVIOUS
10 YEARS:**

See attached Resume.

A STATEMENT OF THE COMPENSATION TO BE PAID FOR THE STUDY AND TESTIMONY IN THE CASE:

I represent Independent Maritime Consulting LLC, who are charging fees for my time of \$275/hour for document review and report preparation and \$375/hour for live testimony.

See attached Fee Schedule.

PRENTICE (SKIP) STRONG III, Master Mariner and Pilot

Independent Maritime Consulting LLC
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Professional Résumé

Senior Marine Consultant and Surveyor of Independent Maritime Consulting LLC (IMC)

IMC acts as Commercial Correspondents for several major Hull and Machinery (H&M) and Protection & Indemnity (P&I) underwriters, which includes providing claims handling assistance to their assured, performing surveys and investigating casualties of all kinds, mitigating and evaluating damages, assisting in coordinating repairs and providing technical advice. In addition, IMC provides surveys, technical consulting and expert witness services to maritime law firms, vessel Owners, Charterers and their liability underwriters in connection with major casualties, personal injury and cargo claims.

Qualifications and Associations

USCG Master Mariner (Unlimited Tonnage)
Federal and state endorsements as 1st class pilot
Pilot/Partner, Penobscot Bay and River Pilots Association
B.S., Nautical Science, Maine Maritime Academy
U.S. Citizen

Areas of Expertise

Marine Consultancy and Surveying
Claims, Disputes & Litigation Support
Marine Accident Investigation
Expert Witness
Navigation and Port Studies
Vessel Surveys, Inspections & Audits
Vessel Simulation & Modelling
Mooring and Surge Analysis
Harbor, River and Docking Pilot
Marine Operations

Recent Experience and Work History

Thirty Five plus years' experience and extensive knowledge of marine/vessel operations and piloting on a variety of vessel and cargo types. Twenty Five plus years' experience as a harbor and river pilot for the Penobscot Bay and River Pilots Association. Skip has been designated as an expert witness in several U.S. district and state courts. Regularly appointed by P&I clubs, brokers, underwriters, owners/operators and maritime law firms to undertake a variety of assignments.

A full list of expert witness designations and live testimony experience is available upon request.

QUALIFICATIONS

I currently hold a USCG unlimited Master Mariner's license with federal and state endorsements as 1st class pilot upon the waters of Penobscot Bay and River and Frenchman Bay, Maine. For twelve years I sailed aboard 40,000 ton oil and chemical tankers for Keystone Shipping Company, rising from Third Mate to Master. I have transited most ports in the Gulf of Mexico, Caribbean and the US East Coast. In 1997 I moved ashore to become a full time pilot and work on tank vessels and bulk vessels up to 70,000 tons and passenger vessels up to 160,000 tons.

EDUCATION

1980-1984 B.S., Nautical Science, Maine Maritime Academy

EMPLOYMENT

July 2020 -Present Marine Consultant and Expert Witness

Utilizing my experience as a tanker captain, harbor and river pilot I have provided opinions and testified at trial for serious marine accidents involving navigation and piloting and other marine issues.

1997-Present Pilot/Partner, Penobscot Bay and River Pilots Association

Responsible for handling vessels on Penobscot Bay and River and Frenchman's Bay. As well as the transit I am also responsible for the docking and undocking of the vessels. We also work closely with federal and state agencies to facilitate the safe efficient movement of commercial traffic.

1994-1996 Master, Keystone Shipping Company

Master of SS Cherry Valley, a 40,000 ton product tanker engaged in coastwise trade. Responsible for the safe operation of the vessel and 25 person crew.

1985-1994 Mate, Keystone Shipping Company

Sailed as Third, Second and Chief Mate aboard various product and chemical tankers.

PUBLICATIONS

International Tug & Salvage

Paper on the salvage of J.A. Orgeron and Poseidon was printed in the ITS journal after being presented at the ITS convention in 2000.

Professional Mariner and Ocean Navigator

Accounts of the salvage of J.A. Orgeron and Poseidon.

In Peril: A Daring Decision, a Captain's Resolve and the Salvage that Made History

Account of the Salvage of J.A. Orgeron and Poseidon published by Lyons Press, November 2003

TRAINING (recent)

ECDIS Training for Pilots	2021
Azipod training for Pilots	2015
Fatigue Management	2015
Bridge Resource Management for Pilots	2021
Manned Model Training	2018

AWARDS

American Merchant Marine Seamanship Trophy - 1995

Maine Maritime Academy - Presidential Commendation - 1996

Maine Maritime Academy - Outstanding Alumnus Award - 1996

United Seamen's Service - Honored Seamen Plaque - 1995

MEMBERSHIPS Boston Marine Society, Society of the Cincinnati, Propeller Club of the United States, American Pilots Association



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Expert Witness Rate Sheet - 2022

Independent Maritime Consulting Offices

Expert Witness	Prentice (Skip) Strong
Fee – Consulting expert (non-testifying)	\$230 / hour
Fee – case review, analysis, and report	\$275 / hour
Fee – deposition and testimony	\$375 / hour (half day increments max 10 hours)
Travel time	\$175 / hour (\$1,750 per diem maximum)
Retention Fee	Assessed on case by case basis
Expenses	Travel expenses at cost

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